NORTH OGDEN CITY COUNCIL WORK SESSION MEETING MINUTES

June 23, 2015

The North Ogden City Council convened in an open meeting on June 23, 2015 at 6:35 p.m. at the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on June 18, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT: Brent Taylor Mayor

Kent Bailey Council Member
Lynn Satterthwaite Cheryl Stoker Council Member
Phillip Swanson Council Member
James Urry Council Member

Eric Thomas Planning Commission Chairman
Don Waite Planning Commission Vice-Chairman

Steve Prisbrey Planning Commissioner Scott Barker Planning Commissioner Blake Knight Planning Commissioner

STAFF PRESENT: Annette Spendlove City Recorder/HR Director

Jon Call City Attorney Rob Scott City Planner

VISITORS: John Janson Carl Turner Susannah Burt

Rachel Trotter Gordon Robson Clark Jensen Jason Jensen Don Mathewson Bob Buswell Sky Rands Steve Burt Gary Rands

WORK SESSION – 6:30 P.M.

Mayor Taylor welcomed those in attendance.

Council Member Swanson offered the invocation and led the audience in the Pledge of Allegiance.

AGENDA

1. PUBLIC COMMENTS

Susannah Burt, 1809 N. 650 E., asked that the Council, during the discussion of the Master Planned Community Zone and Mixed Use projects, address the ordinances that would allow those types of projects. Mayor Taylor noted the City currently does not have an ordinance that permits mixed use developments and the City Council and Planning Commission will be discussing an ordinance that would address such projects. Ms. Burt asked if the ordinance contemplates landscaping and parking requirements, to which Mayor Taylor answered yes. He then noted Ms. Burt is a member of the General Plan Steering Committee and she has been very dedicated to the process of updating the General Plan document.

Boy Scout Jason Jensen stated he is working on his communications and citizenship and the community merit badges.

2. <u>DISCUSSION OF THE MASTER PLANNED COMMUNITY (MPC_ZONE AND MIXED USE PROJECTS</u>

Mayor Taylor thanked all members of the City Council and Planning Commission for participating in this meeting; he noted the purpose of the meeting is to discuss some large issues that could be occurring in the City in the near future. He then stated that there is a proposal to create a new Master Planned Community Zone in the City that would permit unique mixed use developments in the City that would include a mix of residential, commercial, recreational, and/or public uses. There is a national trend of developing mixed use developments for several reasons and the City has received requests from land owners in the City to develop mixed use projects at the old Country Boy Dairy property and the King's Plaza. The City currently does not have a zone that allows those types of developments, so much work has been done with the Civic Solutions consulting group to develop draft language pertaining to mixed use zoning.

John Jansen, Civic Solutions Group, provided an overview of the draft mixed use zoning language, which was included in the Council packet, and facilitated a discussion among the City Council and Planning Commission regarding the proposed zone. He emphasized the fact that a development agreement would be required for all mixed use projects and he has provided an agreement template for the City to use if desired. He reviewed the development standards included in the ordinance and indicated these standards are the bulk of the ordinance and cover things like:

- Building placement and massing
- Building height
- Land use impact and buffering
- Architectural design and materials
- Signage
- Open space
- Landscaping

- Outdoor lighting
- Streets and pedestrian ways
- Other forms of transportation
- Parking areas
- Environmental
- Requirements unique to residential uses

Mr. Jansen and Mayor Taylor stated it is important for the Planning Commission and City Council to understand that approval of a mixed use zoning and ultimately a mixed use project is a legislative decision and the Council is not required to approve mixed use zoning for any reason; if the Council does not like a project for any reason the zoning can be denied.

Council Member Swanson provided a hypothetical situation where a developer may agree to a development agreement, but later deviate from that agreement. He asked if the City would have the option of nullifying the zone change for that developer and reverting to the old zoning for the property. Mr. Jansen stated that a developer would be required to get Planning Commission and City Council approval for any change to a development agreement. He noted that zoning and development agreement approval go hand in hand and the zoning could be reconsidered upon a request for a development agreement amendment. Planning Commission Vice- Chairman Waite stated that his concern with a development agreement is that the City should not seek to regulate a project to a point that it essentially becomes the landlord and the property owner loses all flexibility to manage or develop their property. A discussion centered on this issue, with the group concluding that only substantive changes to the development agreement should require City approval.

Mr. Jansen then discussed the public process the City would follow to consider all rezone requests for mixed use zoning, noting there will be several opportunities for the public to engage with the Planning Commission and City Council regarding a mixed use project. Mr. Jansen then continued to facilitate a general discussion regarding the proposed mixed use ordinance, with continued focus on the development and design standards. There was a discussion regarding how the mixed use zone and development agreements would interact with a form based code, with Mr. Jansen noting language could be included in the form based code indicating that a project could deviate from the code per an approved development agreement between the developer and the City. Mr. Jansen indicated that he will consider the feedback from the group and amend the development and design standards accordingly.

Mayor Taylor then reviewed a draft site plan that the developer of the old Country Boy Dairy property has provided to the City; he oriented the group to the layout of the site and identified the uses that the developer would like to include on the site, which is approximately 25 acres in size. Development of the parcel would produce a taxable value of approximately \$70 million; it would take 130 acres of residential development to produce the same value. He stated he feels these types of projects are needed in the City and could put the City in a position where future property tax increases would not be necessary. Council Member Bailey stated he likes the fact that a single owner would own and manage the entire project. Mayor Taylor then reviewed the design of the buildings the developer would like to build on the site; the materials are very nice. He reviewed photographs of similar developments in other cities and noted he is supportive of such

a development in North Ogden City. Planning Commission Chairman Thomas agreed. Mayor Taylor asked that the group send any additional recommendations to City Planner Scott as he prepares to work with Mr. Jansen to update the document in order to present it to the Planning Commission for consideration.

The meeting recessed at 8:25 and reconvened at 8:36 p.m.

3. DISCUSSION ON THE DRAFT GENERAL PLAN UPDATE

Mayor Taylor noted the City's General Plan is the most fundamental governing document for development within the City; it covers all aspects of development within the City and is required by Utah Law. The City's current Plan was adopted in 1977; it is a great Plan, but is in need of updating. The City Council approved updating the Plan one year ago and created a General Plan Steering Committee that has worked very hard to create a document updating the Plan and it has been presented in draft form to the group.

Mr. Jansen then provided a high level overview of the draft General Plan document. He reviewed the public involvement process and discussed the type of things residents and business owners indicated they would like to see in North Ogden. There was strong support for smaller and mid-box to medium sized stores while there was opposition to big-box stores. Townhome developments received mixed support and opposition. Residents are supportive of better streetscapes and wider sidewalks, as well as increased dining, retail shopping, festival, outdoor concert, farmers market, splash pad, business/job, and entertainment opportunities. He reviewed maps contained in the Plan and identified the creation of four different neighborhoods/quadrants. He stated work was done to address transportation issues within each quadrant, and more specifically in the downtown area of the City. He also reviewed a park and trail map identifying existing parks and trails as well as future planned parks and trails throughout the City and noted that during the General Plan review process used by the Steering Committee there was a lot of discussion regarding connectivity of old and new trails with a goal being implemented to improve access to parks for residents.

Planning Commission Chairman Thomas was excused from the meeting at 9:04 p.m.

Discussion then centered on land use planning and zoning for properties located within the City that are unincorporated, with City Attorney Call indicating that the City is restricted in addressing the zoning of property on unincorporated parcels until they are actually annexed into the City. Mr. Jansen indicated that there is a section of the General Plan that deals with annexation and it places a priority on annexation of 'island' unincorporated properties throughout the City.

After continued general discussion of various components of the General Plan, Mr. Jansen concluded he will take the feedback provided by the group for amendments to the next iteration of the General Plan document. He reported the next General Plan open house is scheduled for July 14 at 5:00 p.m.

Council Member Bailey stated he is impressed with the product that Mr. Jansen and his team have provided and he feels it has captured everything that was discussed at steering committee meetings and open house events.

Mr. Call then discussed the option the City has for vesting zoning included within the General Plan; the result of vesting would be that if a property owner owns land that is zoned for residential development, but the General Plan calls for a different zoning, such as commercial, the zone change approval would be automatic upon following the rezone process. Vesting also prevents citizens from using a referendum petition and election to disrupt zoning; instead, they would be required to refer an amendment to the General Plan. City Planner Scott noted this option is discussed in more detail within the General Plan document.

4. <u>DISCUSSION ON CONDITIONAL USE PERMITS</u>

A memo from Mayor Taylor explained over the past few years several Conditional Use Permits (CUP) have resulted in controversy and problems in neighborhoods. These have largely centered around CUP's issued for businesses to operate in residential neighborhoods. This discussion will be an opportunity for us to discuss CUP's and whether new procedures should be put in place or whether we should continue to allow them at all. The discussion will be more philosophical in nature, as no specific proposals to modify CUP's are on the table at this time. However, a proposal for modifications to CUP's may come out of the discussion.

Mayor Taylor reviewed his memo. He used the Rand's Roofing CUP as an example and reviewed notes in the Council packet that detailed the process the Planning Commission used to consider and ultimately act upon the CUP. Council Member Bailey indicated he has reviewed the minutes of the Planning Commission meetings during which the Rand's CUP was discussed and the minutes do not include a detailed list of conditions that were imposed on the property owner. City Attorney Call noted that since Mr. Scott has been employed with the City, the Planning Commission has been instructed to make their motions and reference the staff report provided by Mr. Scott, which includes all recommended conditions or findings. Mr. Scott added another option is to allow the Planning Commission to discuss a CUP and make their recommendation regarding the conditions to be imposed on the applicant for staff to use to prepare a detailed staff report with all conditions for consideration at the next regularly scheduled meeting. This can be problematic because applicants could be forced to wait another two weeks or longer, but it would ensure that the process is more accurate. Council Member Bailey stated that the Council is very cautious to not adopt or take action on anything that is not accurate and in front of them for review; if something is presented to them and amendments are needed they typically table them for consideration at a future meeting. Mr. Scott asked if the Council wants the Planning Commission to do that same thing for all applications they consider. Council Member Bailey stated that he is focused on accurate documentation. Council Member Swanson agreed and stated that he would use the SMART acronym for all applications, and specifically CUPs. SMART stands for Specific, Measurable, Achievable, Realistic, and Timely and this goal should apply to all conditions imposed on a CUP applicant.

Planning Commissioner Knight referenced the minutes taken at Planning Commission meetings and stated that he is hopeful that everyone reads the minutes before voting to approve them. Mr. Call stated every city does their minutes differently and there is no rule in State Code regarding how to approve the minutes, but the Code does indicate that the minutes should reflect what was said in the meeting. He stated in comparing North Ogden's minutes to other city minutes he has found that North Ogden's are much more detailed. Council Member Bailey stated the minutes are much less detailed than they were two years ago. Mr. Call stated regardless, those voting to approve minutes should read them before doing so. Mr. Scott reported the Planning Commission recently acted to amend their rules of order and procedure and that document discusses making motions and voting during meetings; he has suggested that the Planning Commission participate in refresher training regarding that document and he would recommend that they develop their own expectations for the entire body; one of those expectations could be that the entire group has read the materials provided them for the meeting, including the minutes. Council Member Swanson stated he feels that is a good approach, but he would still encourage the Planning Commission to require that they have detailed information regarding any application they are being asked to act upon. Discussion continued regarding the process the City should be using to self-police the Planning Commission or City Council when considering items such as CUPs, with Mr. Call suggesting that the City's ordinance regarding CUPs should be more specific and include a set of criteria that any CUP application must meet.

Council Member Bailey stated that Mr. Call has hinted in the past that he would like to see the City move away from offering CUPs in the City and he asked for more information on that topic. Mr. Call discussed some of the various conditional uses allowed in residential zones of the City and he noted that some of them, such as a home daycare, have so many specific conditions assigned to them to the point that they should be classified as a permitted use rather than a conditional use. He stated the best way forward would be to review all conditional uses listed in the Code and determine whether they could be reclassified as permitted or non-permitted. Council Member Bailey stated he would be in favor of such a process given that the one item he has spent the most time on as a City Council Member was a CUP.

Mayor Taylor wrapped up the discussion and indicated that his understanding of the direction from the City Council and Planning Commission is that there are clear written conditions for CUPs that are available for review by the Planning Commission and that if several changes are being made to those conditions the application should be tabled for consideration at a future meeting. He stated another idea is to add specificity to the City's ordinance regarding CUPs similar to Salt Lake City's ordinance or amend the ordinance to reclassify conditional uses as permitted or non-permitted uses. Council Member Bailey stated that he would also recommend that in order for a CUP to be granted, the City and applicant need to enter into a written agreement regarding the conditions that have been agreed upon. Council Member Bailey stated a contract could indicate that both parties understand the conditions.

Mr. Call stated he feels this is a good direction for the City to move in, but the one warning he would give is relative to the fact that if an item is tabled for a period of two weeks or more there is a tendency for members of the Planning Commission or City Council to talk about the issue outside of a meeting with applicants, residents, or other members of the body and that can be classified as ex-parte communications that should not be occurring outside of a meeting.

Mayor Taylor added that a fourth takeaway from the discussion is that staff investigate the option of requiring a CUP applicant to enter into an agreement with the City acknowledging that they understand the conditions that are being imposed upon them.

Council Member Bailey asked if there are any circumstances under which the appeal of a CUP could be automatic. He stated that sometimes CUPs can be a very emotional issue and residents have avoided pursuing the appeal of a CUP because of how that could impact their relationship with their neighbors. He wondered if it would be appropriate for some CUPs to come to the Council after approval by the Planning Commission. Mr. Call stated it would be more appropriate to include a list of conditional uses that would require the approval of the Planning Commission and City Council rather than requiring all conditional uses to be considered by both bodies; he would recommend against referring to that process as an appeal.

5. <u>DISCUSSION AND/OR ACTION ON A RESOLUTION APPOINTING MAYOR AND CITY ADMINISTRATOR TO ACCEPT APPRAISALS FOR RIGHT OF WAY PURCHASES</u>

Mayor Taylor stated that the City is in the position to accept appraisals for properties to be acquired for the Monroe Boulevard right-of-way and it is necessary for the City to appoint someone to accept those appraisals and move forward with making offers to purchase properties. The proposed resolution would appoint the Mayor and City Administrator to be responsible for this action.

Council Member Urry stated he was approached by Tony Aragon this week and he indicated he has received three letters about his property and all three of them had a different address on them. He stated someone is not verifying that the address of his property is correct so he is unsure whether the appraiser is appraising the correct property. Mayor Taylor stated he will follow up on that issue.

Council Member Swanson motioned to adopt Resolution 06-2015 appointing the Mayor and City Administrator to accept appraisals for right-of-way purchases. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. <u>DISCUSSION AND/OR ACTION ON A PROCLAMATION "IN SUPPORT OF</u> LOCAL FIRST UTAH'S INDEPENDENT WEEK"

Mayor Taylor stated that Local First Utah Independent Week is an annual event where an emphasis is placed upon shopping local and cities are asked to issue proclamations supporting the event.

Council Member Satterthwaite motioned to adopt Proclamation P1-2015 in support of Local First Utah's Independent Week. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

7. PUBLIC COMMENTS

There were no public comments.

8. <u>COUNCIL/MAYOR/STAFF COMMENTS</u>

Mayor Taylor thanked the City Council and Planning Commission for participating in the meeting and indicated that he will work to schedule another joint session in the fall of 2015.

City Recorder Spendlove reminded those in attendance that the Miss North Ogden Pageant will be held this Friday.

9. <u>ADJOURNMENT</u>

Council Member Satterthwaite motioned to adjourn. Council Member Stoker seconded the motion.

Voting on the motion:	
Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye
The motion passed unanimously.	
The meeting adjourned at 10:46 p).m.
Brent Taylor, Mayor	_
S. Annette Spendlove, MMC City Recorder	-

Date Approved